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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,379	10/30/2003	Alex D. Vandertol	026032-4321	7895

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/697,379	Applicant(s) VANDERTOL, ALEX D.	
	Examiner Jon A. Szumny	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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This is the second office action for application number 10/697,379, System and Method for Mounting In-Vehicle Electronics, filed on October 30, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Election/Restrictions***

Newly submitted claims 9-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention originally acted upon on the merits was directed to a mounting structure for an electronic device (as in claims 1-8 and 15-25). The method of claims 9-14 was completely ambiguous as laid out in the rejection of claims 9-14 under 35 U.S.C. 112-1<sup>st</sup> paragraph in the previous office action. Since it is now clear claim 9 has positive steps indicating that an electronic device is being mounted to a vehicle interior, claims 9-14 are certainly directed to an invention distinct from that originally acted upon.

Similarly, because it was not originally clear whether the electronic device was positively or functionally recited as part of the invention, the Examiner assumed (in the previous office action) the electronic device was included merely functionally. The applicant has now amended the claims to positively recite the electronic device as part of the

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invention. Such a modification is not considered completely distinct from the invention as originally acted upon since the electronic device is positively included in just a generic, nominal manner. However, specifying the electronic device to be a "DVD device" as in claim 19 clearly distinguishes the invention from that as originally acted upon.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-14 and 19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Objections*

Claims 1, 7 and 8 are objected to because of the following informalities:

In claim 1, line 1, "A mounting structure for an electronic device" should be changed to --A mounting structure including an electronic device-- so as to clearly recite the electronic device in a positive manner.

In claim 7, line 2, "the body portion" should be --a body portion-- and in claim 8, line 1, "the mounting surface" should be --a mounting surface so as to properly provide for antecedent basis.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

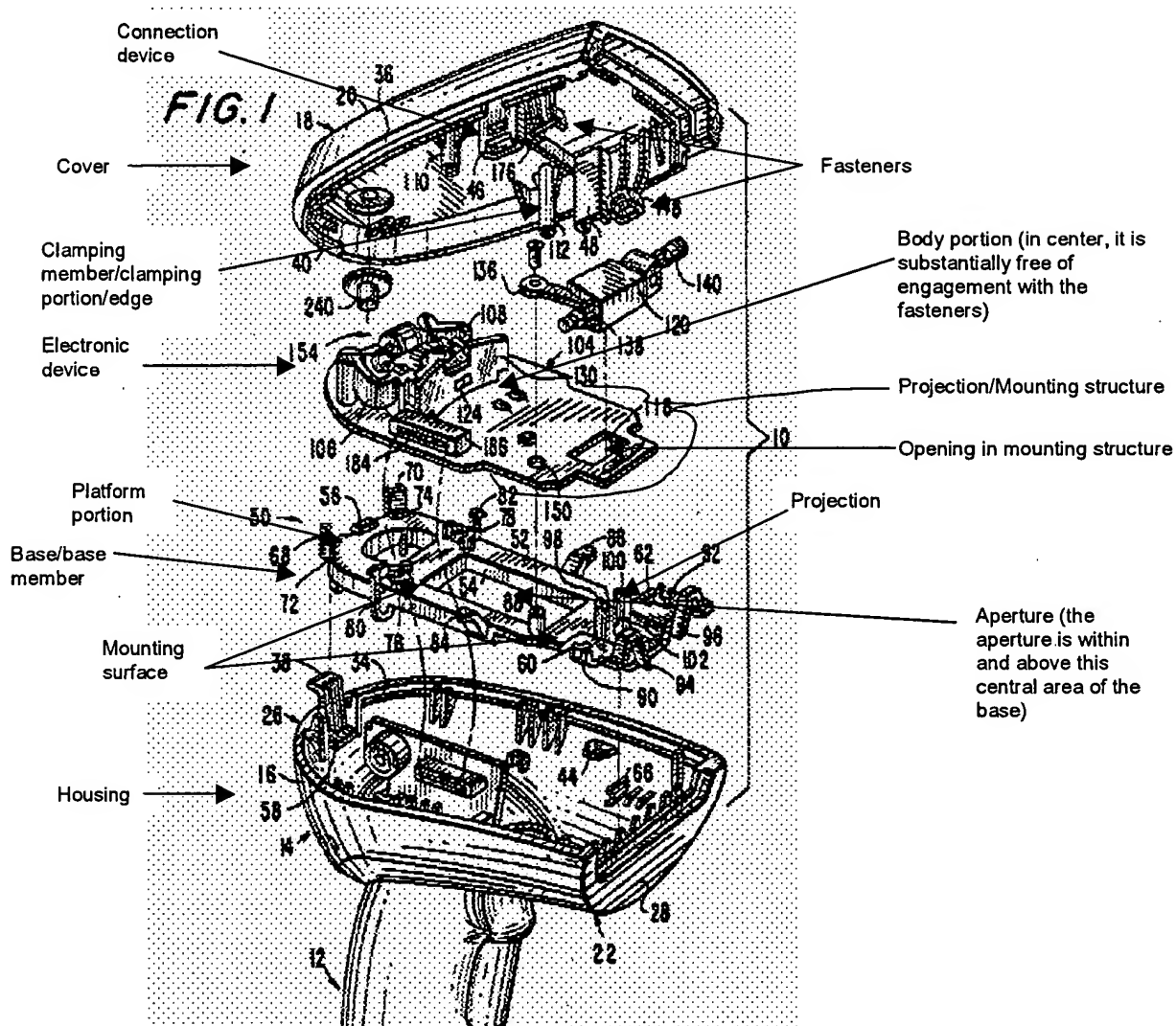
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent number 5,850,078 to Giordano et al.



Giordano et al. '078 discloses a mounting structure/system (above) comprising a base (above) with an aperture (above) therein, a cover (above) coupled to the base, wherein an electronic device (above) is configured to fit within the aperture and has at least one projection (above) extending between the base and the cover, wherein the base includes a platform portion (above, top of base, generally) having at least one mounting surface (above)

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formed thereon adjacent the aperture and at least partially surrounding the aperture, wherein the cover further comprises a clamping member/portion comprising an edge of the cover (above, it inherently could act as a clamping member), wherein the cover is coupled to the base by fasteners (above), wherein the mounting surface could inherently position the electronic device at an angle relative to the base (inherently *some* angle), wherein the mounting surface includes a projection (above), wherein the cover further comprises at least one connection device for coupling the cover and the base member (indirectly, at least), wherein the system includes a housing (above) having a first attachment structure (58) for coupling to the base member and a second attachment structure (12) that could inherently couple to a overhead panel in a vehicle interior, wherein the mounting structure could inherently perform all claimed functions and be used with all objects/members functionally recited throughout the claims, wherein the underside of the body portion of the electronic device could inherently be free of contact with any component within the vehicle interior, wherein the body portion of the electronic device is substantially free of contact with the cover and the base member (see figure 3), wherein the base member or cover could inherently be mounted to a component in a vehicle interior.

*Response to Arguments*

Applicant's arguments filed May 19, 2005 have been fully considered but they are not persuasive.

Regarding the rejection of claims 1 and 15 as being anticipated by Giordano et al. '078, the applicant simply states on page 8 of the response, "a mounting structure for an electronic device/apparatus as required by claim 1/15 (as amended) is not disclosed, taught or suggested by Giordano et al." With respect to the above rejections, the Examiner respectfully disagrees.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

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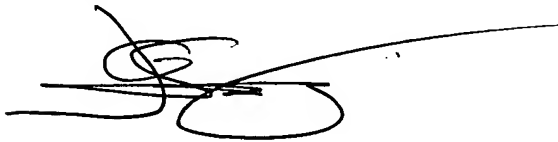
In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824.

The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

A handwritten signature in black ink, appearing to be 'Jon Szumny', with a long horizontal line extending to the right.

Jon Szumny  
Primary Examiner  
Technology Center 3600  
Art Unit 3632  
July 1, 2005